

1 AN ACT in relation to aging.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Elder Abuse Demonstration Project Act is
5 amended by changing Sections 4 and 10.1 as follows:

6 (320 ILCS 15/4) (from Ch. 23, par. 6504)

7 (Section scheduled to be repealed on July 1, 2002)

8 Sec. 4. Immunity From Liability. Any person,
9 institution or agency making a report in good faith of the
10 abuse of an elderly individual and believing the facts
11 reported to be correct, or investigating such a report or
12 taking photographs and x-rays shall have immunity from any
13 civil liability. Notwithstanding any other provision of this
14 Section, a person, institution, or agency making a report of
15 the abuse of an elderly individual does not have immunity
16 under this Section if the person, institution, or agency (i)
17 willfully committed an act of physical or sexual abuse, as
18 defined in the Elder Abuse and Neglect Act, against the
19 victim named in the report or (ii) was grossly negligent in
20 causing or allowing an act of physical or sexual abuse, as
21 defined in the Elder Abuse and Neglect Act, to be committed
22 against the victim named in the report.

23 (Source: P.A. 84-1232.)

24 (320 ILCS 15/10.1)

25 (Section scheduled to be repealed on July 1, 2002)

26 Sec. 10.1. Repeal. This Act is repealed on July 1, 2003
27 2002.

28 (Source: P.A. 92-84, eff. 7-1-02.)

29 Section 10. The Elder Abuse and Neglect Act is amended by

1 adding Section 4.3 as follows:

2 (320 ILCS 20/4.3 new)

3 Sec. 4.3. Failure to report abuse or neglect;
4 consequences.

5 (a) A physician licensed under the Medical Practice Act
6 of 1987 who willfully fails to report an instance of
7 suspected elder abuse or neglect as required under this Act
8 is subject to disciplinary action under Section 22 of the
9 Medical Practice Act of 1987.

10 (b) As used in this subsection, "State funding" means
11 State moneys paid under Article V of the Illinois Public Aid
12 Code or under any other law.

13 If a facility licensed under the Nursing Home Care Act
14 and providing care to eligible adults has knowledge of elder
15 abuse or neglect and fails to report that abuse or neglect as
16 required under this Act, then that facility is subject to a
17 reduction of State funding as provided in this subsection.
18 The Department must provide the facility with written notice
19 of the alleged failure to make a report and must afford the
20 facility an opportunity for a hearing at which the facility
21 may present evidence in its defense. After the notice and
22 opportunity for a hearing, if the Department finds that the
23 facility had knowledge of abuse or neglect and failed to make
24 the required report, the Department may order that the
25 facility's State funding be reduced by not less than 10% and
26 not more than 100%, according to rules adopted by the
27 Department. If the Department finds that the facility
28 willfully failed to make a required report and that the
29 failure resulted in the death of an eligible adult, then the
30 Department shall order that all of the facility's State
31 funding be suspended for a period not to exceed 24 months,
32 according to rules adopted by the Department. If the
33 Department orders a reduction or suspension of a facility's

1 State funding under this Section, the Department must deliver
2 a copy of the order to each other agency providing State
3 funding to the facility, and those other agencies must comply
4 with the order.

5 (c) Any person who knowingly and willfully fails to make
6 a report of suspected elder abuse or neglect as required
7 under this Act is guilty of a Class A misdemeanor.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.